

Remarks

Double Patenting

The last Office Action withdrew the allowability of Claims 34 - 37 stating, “The indicated allowability of claims 34-37 is withdrawn in view of the newly discovered reference(s) to an under cabinet light. Rejections based on the newly cited reference(s) follow. . . . Claims 34, 36 and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 18 of U.S. Patent No. 6,814,462 in view of Ahroni (U.S. Patent 5,829,865).” . . . Claim 35 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 18 of U.S. Patent No. 6,814,462 in view of Ahroni and Yan (U.S. Patent 6,168,299).” The Office Action went on to say, “Claims 72, 75 and 76 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,814,462 (Fiene) in view of Nilssen (U.S. Patent 5,559,393). . . . Claims 73 and 74 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,814,462 (Fiene) in view of Yan.”

Applicant is submitting with this amendment a disclaimer in compliance with 37 CFR 1.321(c) to overcome this rejection. In view of this disclaimer, Applicant respectfully requests that Examiner withdraw her rejection of Claims 34-37, and 72-76.

Claim Rejections • 35 USC § 103

The last Office Action stated, “Claims 33, 38, 45, 46, 49-52, 54, 55, 58-61, 63-65 and 68 - 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilssen in view of Ahroni.”

Applicant has added the following limitation to Independent Claims 33, 38, and 63, “the luminaires including an electrical component having inductive reactance”. This is fully supported by Figures 5 and 6, and this limitation is found in neither Nilssen nor Ahroni. In view of the added limitation, Applicant respectfully requests that Examiner withdraw her rejection of independent Claims 33, 38, and 63 as well as Claims 45-46, 49-55, 58-62, 64-65 and 68-71 which are each dependent on one of these independent claims.

Claims Objected to

The last Office Action stated, “Claims 47-48, 56-57 and 66-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

In light of the added limitation to Independent Claims 33, 38, and 63, Applicant requests that Examiner withdraw her objections to Claims 47-48, 56-57, and 66-67.

Allowable Subject Matter

The last Office Action stated, “Claims 39-44 are allowed.


Conclusion

For all of the above reasons, Applicant submits that the specification and claims are now in proper form, and that claims define patentably over the prior art. Therefore Applicant submits that this application is now in condition for allowance, which action he respectfully solicits.

Request For Conditional Constructive Assistance

Applicant has amended the claims of this application so that they are proper, definite, and define novel structure, which is also unobvious. If for any reason this application is not believed to be in full condition for allowance, Applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 706.03(d) and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



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12/13/07
Date